

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRI HOSELTON,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF
ECOLOGY,

Defendant.

Case No. C23-5779RSM

ORDER DENYING MOTION TO
REMAND AND MOTION TO TRANSFER

This matter comes before the Court on Plaintiff Terri Hoselton's Motion to Remand, Dkt. #11, and Motion to Transfer Case, Dkt. #13. Defendant Washington State Department of Ecology opposes both Motions. Dkts. #12 and #14. Plaintiff has filed no reply briefing.

Plaintiff first asks to remand this case to state court "pursuant to 28 U.S.C. § 1447(c)." Dkt. #11 at 2. However, that statute only permits remand of cases that were originally filed in state court and removed to federal court. As Plaintiff acknowledges in her Motion, this case was originally filed in this Court. *Id.* at 1. Accordingly, Plaintiff's Motion to Remand is properly denied.

Plaintiff next asks to transfer this case to state court based on that court's jurisdiction over the regulations and statutes that affect the Plaintiff's action. Dkt. #13 at 2. Plaintiff is

1 asking for the Court to “help establish continuity of plaintiffs’ effort to address these matters
2 with regards to deadlines and statutes of limitations.” *Id.* Plaintiff cites no legal basis for the
3 Court to transfer this case under these circumstances.

4 Defendant argues that this case cannot be transferred to state court under these
5 circumstances, and Plaintiff offers no argument to the contrary. The Court is not aware of any
6 basis to transfer this case to state court and believes the proper procedure is for Plaintiff to file a
7 new action in state court.
8

9 On November 7, 2023, the Court granted Defendant’s Motion to Dismiss and dismissed
10 Plaintiff’s claims without prejudice and with leave to amend within thirty days. That deadline
11 has now passed, and this case will be closed.
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13 Having considered the briefing from Plaintiff and the remainder of the record, the
14 Court hereby FINDS and ORDERS that Plaintiff’s Motions, Dkts. #11 and #13, are
15 DENIED. This case is CLOSED.

16 DATED this 18th day of January, 2024.
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20 RICARDO S. MARTINEZ
21 UNITED STATES DISTRICT JUDGE
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